

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

April 19, 2001

DIVISION TWO

Court convened at 9:00 A.M.

Present: Boren, P.J., Nott, J., Cooper, J., Todd, J., McKnew, J. (Assigned) and G. Villanueva, Deputy Clerk.

Each of the following:

B143759 People v. Drevdahl
B140414 People v. Andrade
B144033 People v. Parish
B140907 People v. Osell
B142675 People v. Carter
B141017 Pink Dot v. Teleport Comm. Group
B135322 People v. Barroso et al.
B143463 People v. Mendoza
B140992 People v. Jason H.
B138368 People v. Silver
B142847 In re Jonathan S.
B143140 In re Jeffrey V.
B141926 In the Matter of Cherry W.
B142061 Schiff v. Jirucha
B134590 People v. Marciano
B142595 People v. Grice
B141326 People v. Peterka
B135154 Goharbin v. Dunbar Armor

Argument waived, cause submitted.

DIVISION TWO (Continued)

B142924 People
 v.
 Walker

Merits:

Argued by Marta Stanton for appellant and by Kenneth Sokoler, deputy attorney general, for respondent. Cause submitted.

B142126 People
 v.
 Campos

Merits:

Argued by Daniel Koryn for appellant and by Sharlene Honnaka, deputy attorney general, for respondent. Cause submitted.

B141664 Brentwood/Ima Inc.
 v.
 Whitman et al.

Merits:

Argued by Charles Rosenberg for appellant. No Appearance for respondents pursuant to rule 17(b). Cause submitted.

B139150 People
 v.
 Brewer

Merits:

Argued by Daniel Koryn for appellant and by David Cook, deputy attorney general, for respondent. Cause submitted.

DIVISION TWO (Continued)

B139926 Frazier
 v.
 Listi et al.

Merits:

Argued by Baird Brown for appellant, by Steve Rice for respondents Listi and by Everett Daly respondent in propria persona. Cause submitted.

B139949 Daniels
 v.
 Waldron & Olson

Merits:

Argued by Daniel Pinto for appellant and by Gary Waldron for respondent. Cause submitted.

B141838 Inter-Cal
 v.
 Dryden, Margolis et al.

Merits:

Argued by Steven Glickman for appellant and by Richard Sievert for respondent. Cause submitted.

B144917 Rostrad LLC
 v.
 Olsen

Merits:

Argued by Michael Reznick for appellant and by John Marshall for respondent. Cause submitted.

B137855 Marvin
 v.
 Marvin

Merits:

Argued by Amaka Akudinobi for appellant and by Joel Siedel for respondent. Cause submitted.

DIVISION TWO (Continued)

B139199 Marquez
 v.
 Marquez

Merits:
Argued by Jose Medina for appellant and by Robert Burch for respondent.
Cause submitted.

B138247 Estate of Leos
 v.
 Udoh

Merits:
Argued by Randall Billington for appellant and by Robert Reback for
respondent. Cause submitted.

Court recessed.

Court convened at 1:00 P.M.

Present: Boren, P.J., Nott, J., Cooper, J., Todd, J. and G. Villanueva, Deputy Clerk.

B146022 People v. Superior Court L.A.

Argument waived, cause submitted.

B141055 People
 v.
 Sanchez

Merits:
Argued by Sylvia Beckham for appellant and by Kenneth Sokoler, deputy
attorney general, for respondent. Cause submitted.

DIVISION TWO (Continued)

B138900 Pacific Ace Realty
v.
Amecor

Merits:
Argued by Nancy Kelso for appellant and by Andre Bates for respondent.
Cause submitted.

B141697 Pawlowski
v.
Ver Halen et al.

Merits:
Argued by Chris Pawlowski for appellant and by Peter Ver Halen for
respondent. Cause submitted.

B139836 Dino's et al
v.
City of Los Angeles

Merits:
Argued by John Cotti, deputy city attorney, for appellant and by Roger
Diamond for respondent. Cause submitted.

B141525 Menezes
v.
Moon Nissan

Merits:
Argued by Gary Carcin for appellant and by Frank Cronin for respondent.
Cause submitted.

April 19, 2001-Continued

DIVISION TWO (Continued)

B133911 Fernandez
v.
Great Western Bank
Southern California Edison

Merits:

Argued by Todd Norton for appellant, by Maureen Gee for respondent Great Western and by Kingsley Hines for respondent Southern California Edison. Cause submitted.

B145919 Taylor et al.
v.
Superior Court, Los Angeles County
(Pabst, r.p.i.)

Merits:

Argued by John Fort for petitioners and by Michael Leight for real party in interest. Cause submitted.

Court adjourned.

DIVISION THREE

B142781 Schiff (Not for Publication)
v.
Weinstock, Manion, Reisman, Shore & Neumann

The order is affirmed. Weinstock to recover costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION THREE (Continued)

B135734 Sullivan (Not for Publication)
v.
Sullivan

The judgment is modified to require an equalizing payment from Shannon to Kevin in the sum of \$23,724. As modified, the judgment is affirmed. The parties shall bear their respective costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B139945 People (Not for Publication)
B144716 v.
McFee

The conviction on count 2 is reversed and the sentence is vacated. In all other respects the judgment is affirmed. The case is remanded for resentencing. The habeas corpus petition is denied.

Klein, P.J.

We concur: Kitching, J.
 Fidler, J. (Assigned)

DIVISION FOUR

B141632 Garcia et al. (Not for Publication)
v.
Moron et al.

The judgment is reversed. The matter is remanded to the trial court with directions to enter summary adjudication in favor of respondent Miller on the fourth cause of action and otherwise deny the motions. Costs on appeal are awarded to appellants.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FOUR (Continued)

B113716 The College Block (Not for Publication)
v.
Atlantic Richfield Company et al.

Except for the erroneous offset to the damages based upon the "stained" or "discolored" area referenced in paragraph 70 of the statement of decision, the judgment is affirmed. That portion of the judgment is reversed and the matter is remanded to the trial court to add to the damages awarded the amount subtracted for the future remediation and to determine the appropriate amount of attorney fees to award to College Block for appeal. Costs are awarded to College Block.

Hastings, J.

We concur: Vogel (C.S.), P.J.
 Epstein, J.

DIVISION FIVE

B147684 Shonta W. (Not for Publication)
v.
Superior Court, Los Angeles County
(D.C.F.S., r.p.i.)

The petition is denied.

Grignon, J.

We concur: Turner, P.J.
 Willhite, J. (Assigned)

B140352 People (Certified for Publication)
v.
Michael Lavin

The judgment is affirmed.

Willhite, J. (Assigned)

We concur: Turner, P.J.
 Grignon, J.

April 19, 2001-Continued

DIVISION FIVE (Continued)

B139158 People (Not for Publication)
v.
Joseph Aldana

The appeal is dismissed.

Willhite, J. (Assigned)

We concur: Turner, P.J.
 Grignon, J.

B142790 People (Not for Publication)
v.
Jackie Miller

The judgment is affirmed.

Willhite, J. (Assigned)

We concur: Turner, P.J.
 Grignon, J.

B141971 People (Not for Publication)
v.
Jelvis Guevara

The judgment is affirmed.

Willhite, J. (Assigned)

We concur: Turner, P.J.
 Grignon, J.

April 19, 2001-Continued

DIVISION FIVE (Continued)

[illegible]

The judgment is affirmed.

Willhite, J. (Assigned)

We concur: Turner, P.J.
 Grignon, J.

B142456 People (Not for Publication)
v.
Garlon Robinson

The judgment is affirmed.

Willhite, J. (Assigned)

We concur: Turner, P.J.
 Grignon, J.

B140780 People (Not for Publication)
v.
Miguel Orellana

The superior court is ordered to modify the verdicts on counts 4 and 5 and to delete the references to subdivision (a) (1) of section 269, and replace them with subdivision (a) (5). The superior court is further ordered to prepare an amended abstract of judgment reflecting convictions on counts 4 and 5 of aggravated sexual assault on a child under subdivision (a) (5) of section 269. In all other respects, the judgment is affirmed.

Willhite, J. (Assigned)

We concur: Turner, P.J.
 Grignon, J.

DIVISION FIVE (Continued)

B135788 InterFirst Capital Corporation
v.
Richard A. Larsen

Filed order denying petition for rehearing.

DIVISION SEVEN

[illegible]

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B141334 People (Not for Publication)
v.
Holmes

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.
Boland, J. (Assigned)

B123539 People (Not for Publication)
v.
Rivera

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

DIVISION SEVEN (Continued)

B143746 People (Not for Publication)
v.
Diaz

The judgment is modified to reflect as part of the sentence, the award to defendant of 451 days of actual presentence custody time. As modified the judgment is affirmed. The Superior Court shall prepare an amended abstract of judgment and transmit a copy thereof to the department of Corrections.

Lillie, P.J.

We concur: Johnson, J.
 Boland, J. (Assigned)

B140267 Comedy III Entertainment, Inc. (Not for Publication)
v.
Polin

The judgment is affirmed. Respondent(s) to recover costs.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B14122 People (Not for Publication)
v.
Dejuan E., a minor

The order under review is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

DIVISION SEVEN (Continued)

[illegible]

The convictions for second degree murder in counts one and two are reversed. The convictions in counts three, four and five are affirmed. The sentence is vacated and the cause is remanded to the trial court for further proceedings.

Lillie, P.J.

We concur: Johnson, J.
Boland, J. (Assigned)

B143736 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Deanna T.

The order is affirmed.

Lillie, P.J.

We concur: Woods, J.
Boland, J. (Assigned)

B134919 Seh (Not for Publication)
v.
Dorame

The judgment is affirmed. Respondent(s) to recover costs.

Lillie, P.J.

We concur: Johnson, J.
 Boland, J. (Assigned)

DIVISION SEVEN (Continued)

B142501 Melchiorre (Not for Publication)
 v.
 LAC Basketball Club, Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Lillie, P.J.

We concur: Johnson, J.
 Boland, J. (Assigned)

B126903 Coppola
 v.
 Warner Bros.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B144115 In re Roberts (Not for Publication)
 on Habeas Corpus

The cause is remanded to the trial court with directions to conduct a new sentencing hearing consistent with this opinion. The petition is granted.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.